

Judge Benson – Law & Motion – Wednesday, December 31, 2025 @ 9:00 AM
TENTATIVE RULINGS

1. 23CV01923 Greenberg, Stuart et al v. Jacques, Michael et al.

EVENT: Plaintiffs' Second Motion to Compel Further Discovery Responses (Continued from 12/17/25)

Plaintiffs' Second Motion to Compel Further Discovery Responses is DENIED WITHOUT PREJUDICE. However, Defendants (not defense counsel) are sanctioned jointly and severally in the amount of \$8,000 payable to Plaintiffs.

Preliminarily, contrary to the opposing papers, the motion was minimally compliant regarding the notice requirements of CCP §1005. With respect to the late filed opposition, ordinarily the Court would not be inclined to consider an opposition that was over a week late. However, the Court is persuaded that recently retained defense counsel appears to be diligent and acted in good faith. This combined with the severity of some of the requested relief (including potentially dispositive evidence and issue sanctions) and the fact responses have been provided, the Court finds consideration of the opposition is appropriate in this instance.

The further discovery responses essentially moot this motion. However, Defendants have been dilatory in not complying with the October 2024 discovery order for over a year. Although the bankruptcy stayed the case for a period of time, it appears the bankruptcy filing was a clear violation of our order disassociating Defendants from the LLC. That order meant Defendants had no authority to file bankruptcy on behalf of the LLC, and it appears the Bankruptcy Court agreed. Thus, the bankruptcy stay does not constitute substantial justification for failing to comply with the October 2024 order.

Plaintiffs shall prepare and submit a form of order consistent with this ruling within 2 weeks.

2. 25CV00801 AT, Inc v. National Builders, Inc et al

EVENT: Motion to be Relieved as Counsel (Counsel for National Builders, Inc.)

The Court will hear from counsel. The Court is somewhat confused by the grounds of the motion. If counsel is suggesting that Plaintiff no longer has a legally viable claim against the entity, it seems that a dispositive motion would be in order. On the other hand, if counsel is suggesting that the entity no longer has funds to pay for counsel's continued services, that would appear to be sufficient grounds for withdrawal. In reviewing Rules of Professional Conduct 1.16, the Court struggles to see how the grounds stated fall into one of the enumerated categories.

Because a corporation cannot proceed in pro per, and because that could ultimately result in the corporation's answer being stricken, there is potential prejudice here if the motion is granted based on an unauthorized ground.

3. **25CV04440 In re: Whitman, Patrick Shane**

EVENT: Change of name (adult)

The Court is in receipt of the proof of publication and will sign the decree provided.